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9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
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12 ALBERT GEORGE MUESSE,) Case No. SA CV 12-1700 MWF (MRW)
13 Petitioner,)
14 vs.) ORDER ACCEPTING FINDINGS AND
15 PAUL BRAZELTON, Warden,) RECOMMENDATIONS OF
16 Respondent.) UNITED STATES MAGISTRATE
17 JUDGE

18 Pursuant to 28 U.S.C. § 636, the Court reviewed the petition, the records on
19 file, and the Report and Recommendation of the United States Magistrate Judge.
20 Further, the Court has engaged in a de novo review of those portions of the Report
21 to which Petitioner has objected.


22 Petitioner filed a Supplemental Objection that relied on the Supreme Court's
23 recent decision in McQuiggin v. Perkins, ___ U.S. ___, 133 S. Ct. 1924 (2013).
24 The Court notes that the Magistrate Judge expressly considered whether, in light of
25 Petitioner's new evidence, no reasonable juror would have convicted him of the
26 offense. That analysis substantively complies with McQuiggin and supports the
27 decision that Petitioner's federal habeas action is untimely.

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1 Accordingly, the Court accepts the findings and recommendation of the
2 Magistrate Judge.

3 IT IS ORDERED that Judgment be entered denying the petition and
4 dismissing this action with prejudice.

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6 DATE: July 12, 2013



MICHAEL W. FITZGERALD
UNITED STATES DISTRICT JUDGE